

# Planning Committee

Thursday, 16th September, 2021

6.00 - 7.20 pm

Attendees	
<b>Councillors:</b>	Councillor Garth Barnes (Chair), Councillor Paul Baker (Vice-Chair), Councillor Barbara Clark, Councillor Bernard Fisher, Councillor Stephan Fifield, Councillor Tony Oliver, Councillor John Payne, Councillor Richard Pineger, Councillor Diggory Seacome and Councillor Simon Wheeler
<b>Officers in Attendance:</b>	Daniel O'Neill, Claire Donnelly, Mike Holmes, Gareth Jones

## 1. Apologies

Apologies were received from Cllr. McCloskey.

## 2. Declarations of Interest

Cllr. Clark declared an interest in the last two applications due to her role on the Trust, and her intention to leave the meeting for those items.

The Legal Officer added that the car park relevant to item 5c was owned by the council.

## 3. Declarations of independent site visits

Cllr. Clark had visited Priory Street.

Cllr Barnes had visited Merestones Drive.

Cllrs. Baker and Payne had visited Merestones Drive and Priory Street.

Cllrs. Pineger and Oliver had visited all the sites bar the Wilson.

## 4. Minutes of last meeting

The minutes of the last meeting were approved and signed as a correct record.

## 5. Planning/Listed Building/Conservation Area Consent/Advertisement Applications, Applications for Lawful Development Certificate and Tree related applications – see Main Schedule

### 6. 21/01517/FUL 17 Merestones Drive, Cheltenham GL50 2SU

The Planning Officer, Daniel O'Neill, presented the applications relating to 17 and 21 Merestones Drive at the same time. Both applications had been referred to committee by Cllr. Barrell due to the impact on the area's visual amenity.

Members asked the following questions, with the following replies from the Officer:

- Why was the fence planned to be 2.4m when they are normally 2m? This was relatively high but it was not expected to affect neighbours. The footpath could be seen from the property and vice versa, so it was not an unreasonably high fence.
- Did 15 Merestones Drive get planning permission for their installation? This was not within the remit of the committee but there was no reason to doubt it.

The Chair moved to the debate and members made the following comments:

- Various pieces of lands near footpaths are not well maintained, but this will be maintained by the owners and will not detract from the footpath.
- The visual impact for neighbours will be minimal, although high fences are not always welcome.

- A 2.4m fence next to a footpath would block light, be less secure and make it harder to widen the path for disabled and cycle access.
- A 7ft fence would surely be enough to stop people looking in and would be more in keeping with previous approved applications.
- Previous applications like this have been rejected. In response to this, the Chair reminded members that it was important to consider each application on its own merits, and that previous applications should not affect this decision.

There being no further comments, the Chair moved to vote on the Officer's recommendation to permit the first application (17 Merestones Drive).

**FOR 8**

**AGAINST 2**

**ABSTAIN 0**

**PERMITTED**

There being no further comments, the Chair moved to vote on the Officer's recommendation to permit the second application (21 Merestones Drive).

**FOR 8**

**AGAINST 2**

**ABSTAIN 0**

**PERMITTED**

#### **7. 21/01529/FUL Priory Cottage, 18 Priory Street, Cheltenham GL52 6DG**

The Planning Officer, Claire Donnelly, presented the application, which related to the addition of an air source heat pump to an existing wall. The application had been referred to committee by Cllr. Wilkinson, and the recommendation was to refuse due to the detrimental impact on the conservation area and neighbour amenity.

The applicant, Colin Smith, spoke in support of the application. He emphasised that he sought to replace an inefficient 20 year old gas combi boiler with an environmentally friendly air source heat pump. He acknowledged that it was a town centre location but stressed that it was positioned as far away from neighbours as possible. He had two priorities: the environment and the neighbours. On the issue of conservation, he noted that most of the city centre was in a conservation area, so some leeway was needed. He also took issue with the environmental health requirement for a noise pollution survey, as it was a unique location, and he had been told that an acoustic survey was not necessary. If it was built anywhere else on their land it would not require planning permission or an acoustic survey, but this was a sensibly chosen position.

Cllr. Wilkinson spoke in support of the application, noting that no members of the public had objected to it. Cheltenham was committed to becoming carbon neutral as soon as possible, with a target of 2030, and refusing the application would send a negative message to households that were going above and beyond and making a significant investment to help the climate. He understood the policy position of officers, but the need to act on the climate emergency was essential. The suggested refusal for noise reasons was put forward without an actual noise assessment, and it was hard to make precise predictions about new technology. The suggested refusal based on harming a conservation area was also questionable, since the installation would overlook a car park with around 12 spaces and be screened by trees. This was not an area of natural beauty that needed to be protected. He asked that if members were to reject it, that they work with planning officers to change future

policies so that climate and environmental goals were taken into account. The council should support residents who want to aid it in its fight against climate change.

Members asked the following questions, with the following replies from the Officer:

- Which conservation area was it in? Sydenham.

The Chair moved to the debate and members made the following comments:

- The applicant was a retired engineer who had researched this meticulously and procured a particularly effective and expensive pump, believed to be about as loud as a library.
- The elevated position was a benefit and the trees covering were are evergreen, so the installation would be no more visible in the winter than in the summer.
- This was new technology so planning policies had not yet caught up to it, they needed changing or else the council would be left behind.
- Although the recommendation to refuse was in keeping with the relevant policies, committee members were able to take a more pragmatic approach.
- England currently has the fewest heat pumps in the UK, primarily due to planning policies which make it far too hard to install one. The council ought to make it easier for people to switch to carbon neutral technologies.
- Behind the tree there is a large TV mast, which is far uglier and more obtrusive than this application. It would not make sense to allow that but not a heat pump.
- The proposal was detailed and well-researched, and the applicant had clearly done their due diligence in selecting the pump and location.
- The equipment could be installed elsewhere on the property without the need for planning permission or a noise survey. Rejecting the application was not a rejection of eco-friendly technology, just this one as it was in the wrong place.
- If Cheltenham wishes to become a green town, it must apply green principles everywhere and air pollution is an essential part of that.

One Member asked the Senior Environmental Health Officer, Gareth Jones, about his views on air source heat pumps. He responded that he was generally supportive of the pumps and had recommended them for various council buildings, although it was important to be consistent about requiring an acoustic report on the effect on those in the immediate vicinity. The pump could be situated elsewhere on the property and it would not be an issue. The information that officers had had been presented with so far was not sufficient to make a recommendation to permit the application.

One Member asked how Environmental Health would respond to any possible noise complaints if it were approved. Gareth Jones responded that this would be investigated like any other noise nuisance, with full use of statutory powers.

There being no further comments, the Chair moved to vote on the Officer's recommendation to refuse.

**FOR 2**

**AGAINST 7**

**ABSTAIN 1**

**RECOMMENDATION REJECTED**

One Member proposed a motion to permit the application. The Planning Officer suggested three potential reasons to permit the application, from Part 14, Class G of the Permitted Development Rights (G.1, G.3 (a), G.3 (d)).

One Member asked whether it would be worth adding a further condition to make sure it complied with the sound check after six months. The Legal Officer clarified that the MCS Planning Standards mentioned in the first condition already included noise level.

There being no further comments, the Chair moved to vote on the Member's proposed motion to permit the application.

**FOR 7**

**AGAINST 2**

**ABSTAIN 1**

**PERMITTED**

**8. 21/01596/LBC The Wilson, Cheltenham Art Gallery and Museum, Clarence Street, Cheltenham GL50 3JT**

Having declared an interest in this and the next item, Cllr. Clark left the meeting.

The Planning Officer presented the application, which related to replacing worn parapet gutters and zinc sections of the courtyard roof

One Member asked the Officer to clarify that some of this related to lead being replaced with zinc. The Officer clarified that this was the case.

There being no further comments, the Chair moved to vote on the recommendation to permit the application.

**FOR 10**

**AGAINST 0**

**ABSTAIN 0**

**PERMITTED unanimously**

**9. 21/01687/FUL & 21/01687/LBC Pittville Pump Room, East Approach Drive, Cheltenham GL52 3JE**

The Planning Officer presented the application, which related to the installation of new gates and railings at East and West Approach Drives and associated alterations, and the restoration of 19<sup>th</sup> century steps to the front of the Pump Rooms.

Members asked the following questions, with the following replies from the Officer:

- Why were the steps around the corner of the building not included in the repairs? The steps being replaced were in the grass rather than the actual steps up to the Pump Rooms.
- How did the height of the new gates compare to the old ones? The new railings would be higher than those currently in place, at approximately 2 metres.
- Would the replacement gates have a single opening for vehicles or would there be a separate opening for pedestrian access? A pedestrian gate was proposed on both the East and West Approach drives, with vehicle access in the middle.
- Had the matter from Park Gate House saying that railings were attached to their property been rectified? Comments from the neighbour were passed on to the applicant, although this was outside of the planning process. Whether or not that particular matter was resolved did not affect the application.

One Member welcomed the application and noted how pleased they were to see the Pump Rooms so popular at the moment.

There being no further comments, the Chair moved to vote on the recommendation to permit the application.

**FOR 10**

**AGAINST 0**

**ABSTAIN 0**

**PERMITTED unanimously**

The Chair moved to vote on the recommendation to grant the application.

**FOR 10**

**AGAINST 0**

**ABSTAIN 0**

**GRANTED unanimously**

**10. Appeal Updates**

**11. Any other items the Chairman determines urgent and requires a decision**

The Chair noted that it was Mike Holmes' last Planning Meeting, and thanked him for his work as Interim Head of Planning during very difficult circumstances. Members echoed this and wished him well.

Chairman